



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 9, 2001

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Andrew Tobias, Treasurer
Democratic National Committee
430 South Capitol Street, S.E.
Washington, DC 20003

RE: MUR 5046

Dear Mr. Tobias:

On January 31, 2001, the Federal Election Commission (the "Commission") decided to accept the Democratic National Committee's (the "DNC") offer to amend its disclosure report to reflect the expenses for the Clinton/Gore '96 Primary Committee dinner as 441a(d) expenses and transfer \$17,448 from its federal account to its non-federal account as reimbursement for using non-federal funds for expenses paid pursuant to 2 U.S.C. § 441a(d). The Commission also found reason to believe that the DNC and you, as treasurer, violated 11 C.F.R. § 102.5(a)(1)(i) by paying expenses for the Clinton/Gore '96 Primary Committee dinner out of a non-federal account. However, after considering the circumstances of this matter, the Commission determined to take no further action against the DNC and closed its file. The General Counsel's Report #2 is attached for your information.

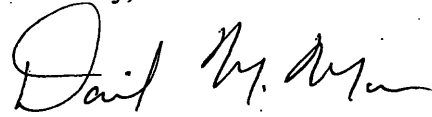
The Commission reminds you that using non-federal funds for 441a(d) purposes is a violation of 11 C.F.R. § 102.5(a)(1)(i). All disbursements, contributions, expenditures and transfers by the DNC in connection with any federal election shall be made from its federal account. 11 C.F.R. § 102.5(a)(1)(i). After amending your disclosure report and transferring \$17,448 to the DNC's non-federal account as reimbursement, you should take steps to ensure that this activity does not occur in the future.

The confidentiality provisions of 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional material, any permissible submission will be added to the public record upon receipt.

Andrew Tobias
Page 2

If you have any questions, please contact Delbert K. Rigsby, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script, appearing to read "David M. Mason".

David M. Mason
Vice Chairman

Enclosure
General Counsel's Report #2

21-04-399-4992